



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 1584

Curtis GENEROUS et al.

Art Unit: 2157

Serial No.: 09/930,496

Examiner: U. Alam

Filed: August 16, 2001

Docket No.: 014873-00024

For: MULTI-CHANNEL MESSAGING SYSTEM AND METHOD

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 4, 2005

Sir:

This election is being made in response to the Office Action dated February 8, 2005, which stated that the application contained embodiments directed to three (3) distinct groups. The Office Action required the Applicants, under 35 U.S.C. § 121, to elect a single disclosed group for prosecution on the merits. The three (3) groups identified in the Office Action are:

- I. Claims 1-32, 49-117, 120, 121, 124-127 and 129, drawn to a method for delivering messages based on a subscriber profile, classified in class 709, subclass 206.
- II. Claims 33-48, 118, 119 and 128, drawn to a method for monitoring network condition, classified in class 709, subclass 224.
- III. Claims 122, 123 and 130, drawn to a method for sending a message based retrieval pattern of recipient, classified in class 709, subclass 232.

Pursuant to the restriction requirement, the Applicants elects the prosecution on the merits of Group I recited in claims 1-32, 49-117, 120-121, 124-127 and 129, drawn to a method for delivering messages based on a subscriber profile, classified in class 709, subclass 206.

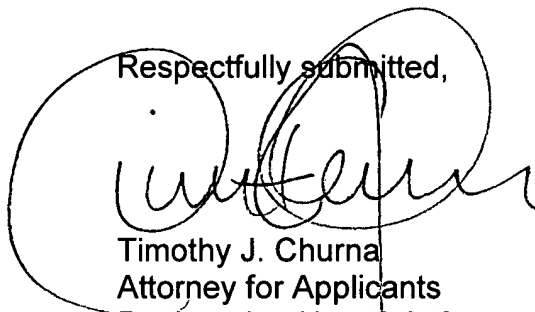
The Applicants traverse the restriction requirement and election of species requirement because there is no undue burden to examine all the claims and species covered by the claims.

With the above election, the Applicants respectfully submit that the application is in a condition for examination on the merits. An early examination and favorable action is respectfully solicited.

The Applicants hereby reserve the right to file one or more divisional applications directed to the non-elected invention.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300, **referencing attorney docket number 014873-00024.**

Respectfully submitted,



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